

Approved:


KAIYA M. ARROYO

Assistant United States Attorney

Before: THE HONORABLE JUDITH C. McCARTHY
United States Magistrate Judge
Southern District of New York

- - - - - X 22 MJ 8316

UNITED STATES OF AMERICA : **COMPLAINT**

- v. -

: Violations of
18 U.S.C. §§ 1201(a)(1),
(a)(2), 2261, 2262

ARMANDO MAZARIEGO,

Defendant.

: COUNTY OF OFFENSE:
ROCKLAND COUNTY

- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

MOISES HASSELL, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
(Kidnapping)

1. On or about October 15, 2022, in the Southern District of New York and elsewhere, ARMANDO MAZARIEGO, the defendant, unlawfully and knowing seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away and held for ransom and reward or otherwise a person, and in so doing willfully transported said person and traveled in interstate or foreign commerce, to wit, ARMANDO MAZARIEGO seized, abducted, and kidnapped an individual (the "Victim") from the vicinity of her mailbox and into a grey Toyota Highlander bearing VIN #5TDHZRBH6LS518244, and thereafter repeatedly struck the Victim with a closed fist and transported the Victim across state lines.

(Title 18, United States Code, Section 1201(a)(1), (a)(2))

COUNT TWO
(Interstate Domestic Violence)

2. On or about October 15, 2022, in the Southern District of New York and elsewhere, ARMANDO MAZARIEGO, the defendant, did travel in interstate or foreign commerce, or enter or leave Indian country or was present within the maritime and territorial jurisdiction of the United States with the intent to kill, injure, harass, or intimidate a spouse, intimate partner, or dating partner and, in the course or as a result of such travel or presence, committed and attempted to commit a crime of violence against that spouse, intimate partner, or dating partner, to wit, ARMANDO MARAZIEGO did kidnap the Victim, his estranged wife, and did transport her across state lines with the attempt to harass or intimidate her and, during the course of that travel, did grab the Victim's hair and strike the Victim's face repeatedly with a closed fist.

(Title 18, United States Code, Section 2261(a)(1))

COUNT THREE
(Interstate Violation of a Protective Order)

3. On or about October 15, 2022, in the Southern District of New York and elsewhere, ARMANDO MAZARIEGO, the defendant, did travel in interstate or foreign commerce, or enter or leave Indian country or was present within the maritime and territorial jurisdiction of the United States with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person and did subsequently engage in such conduct, to wit, ARMANDO MAZARIEGO did kidnap the Victim and transport the Victim across state lines in knowing violation of an protection order issued by the Rockland County Family Court not to assault, stalk, harass, communicate by telephone or email, or approach the Victim.

(Title 18, United States Code, Section 2262)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

4. I am a Special Agent with the FBI, and I have been personally involved in the investigation of this matter. This affidavit is based on my personal participation in the

investigation of this matter, conversations with law enforcement agents and others, and examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all facts that I have learned during my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my participation in this investigation, my communications with other law enforcement officers, and my review of law enforcement reports, I am aware of the following:

a. Rosa Mazariego (the "Victim") is the estranged wife of AMANDO MAZARIEGO, the defendant. MAZARIEGO and the Victim have been separated for approximately one year and MAZARIEGO moved out of the residence that the two shared on Quaker Road in Pomona, New York (the "Residence") approximately four months ago.

b. On or about May 5, 2022, the Honorable Rachel E. Tanguy, Family Court Judge for the Rockland County Family Court, issued an Order of Protection (the "May 5 Order") directing MAZARIEGO to refrain from assaulting, stalking, harassing, communicating by telephone or email, or approaching the Victim. MAZARIEGO was advised in court of the issuance and contents of the May 5 Order.

c. On or about October 15, 2022, MAZARIEGO contacted the Victim and stated that he needed to pick up mail from the Residence's mailbox. At approximately 9:00 p.m., MAZARIEGO arrived at the Residence's mailbox in a grey Toyota Highlander bearing VIN #5TDHZRBH6LS518244 (the "Grey Toyota"). At approximately the same time, the Victim, who was wearing pajamas, exited the Residence and opened the mailbox for MAZARIEGO. MAZARIEGO stated that he had a government-issued check that required the Victim's signature to cash. When the Victim neared the open front passenger-side door of the Grey Toyota, MAZARIEGO forced her into the Grey Toyota and drove away. MAZARIEGO held the Victim by her hair to prevent her escape.

d. MAZARIEGO drove the Victim in and around Yonkers, New York for a time. He then drove them into Haverstraw, New York, and, ultimately into Bergen County, New Jersey. The Victim was unable to escape from the Grey Toyota during this period because MAZARIEGO drove the vehicle at a high

rate of speed and repeatedly ran through red traffic lights to avoid stopping.

e. While MAZARIEGO drove, he repeatedly struck the Victim in the face with a closed fist. In an attempt to call for help, the Victim used her cellphone (the "Cellphone") to call 9-1-1 (the "911 Call"). However, she was unable to speak to the 9-1-1 operator without alerting MAZARIEGO that she had dialed for help. Ultimately, MAZARIEGO noticed that the Victim had called the police and threw the Cellphone out of the window.

f. MAZARIEGO also repeatedly questioned the Victim about whether she was dating anyone or had sexual relations with anyone else. While on a highway in New Jersey, MAZARIEGO stated that he intended to kill both himself and the Victim by crashing the Grey Toyota. The Victim, fearing for her life, jumped out of the Grey Toyota and onto the highway.

g. At approximately 11:20 p.m., law enforcement officers located MAZARIEGO running along Interstate 287 North in New Jersey. Officers approached him and brought him to their patrol vehicle, where he was detained. MAZARIEGO stated to officers that he attempted to kill himself by crashing his vehicle. Shortly thereafter, one of the officers discovered the Grey Toyota on its roof in an embankment approximately 100 yards into the woods.

h. MAZARIEGO was released from police custody on or about October 16, 2022.

i. The Victim was transported back to the Residence by a family friend on or about October 16, 2022. She arrived at the Residence at approximately 5:00 a.m.

6. Based on my communications with other law enforcement officers and my review of law enforcement reports, I am also aware that, later in the morning on or about October 16, 2022, ARMANDO MAZARIEGO, the defendant, returned to the Residence and demanded that the Victim give him the keys to her vehicle, which MAZARIEGO alleged was registered in his name. The Victim called 9-1-1 and officers with the Haverstraw Police Department ("HPD") responded to the scene and arrested MAZARIEGO for violating the May 5 Order.

7. ARMANDO MAZARIEGO, the defendant, remained in HPD custody until on or about October 18, 2022. At that time,

MAZARIEGO was transferred to Orangetown Police Department custody to appear regarding an outstanding bench warrant. Later the same day, MAZARIEGO was transferred back to HPD custody.

8. On or about October 18, 2022, at approximately 3:30 p.m., I interviewed ARMANDO MAZARIEGO, the defendant, about the October 15, 2022, incident that occurred between MAZARIEGO and the Victim. MAZARIEGO was given *Miranda* warnings in Spanish and English, and MAZARIEGO indicated his understanding. MAZARIEGO then made the following statements, in sum and substance:

a. MAZARIEGO stated that he went to the Residence's mailbox on October 15, 2022, to pick up mail that was delivered there.

b. MAZARIEGO stated that the Victim was in the Grey Toyota that evening and that he was driving.

c. MAZARIEGO stated that, ultimately, the Victim asked to leave the Grey Toyota and that MAZARIEGO began to drive back to the Residence. MAZARIEGO further stated that, during the car ride, he asked the Victim to swear that she wasn't engaging in sexual activity with anyone else and, when the Victim refused to swear to him, MAZARIEGO stated that the two would continue driving around until the Victim did swear.

d. MAZARIEGO stated that he drove past the Victim's exit after stating that he would take her home.

e. MAZARIEGO stated that the Victim rolled down the window of the Grey Toyota and began calling for help.

f. MAZARIEGO stated that the Victim called the police while in the Grey Toyota.

g. MAZARIEGO stated that he threw the Cellphone out of the Grey Toyota after he discovered that the Victim had called the police.

h. MAZARIEGO stated that he drove the Victim into New Jersey.

i. MAZARIEGO stated that, while in New Jersey, he noticed that the Victim had unbuckled her seatbelt. In response, MAZARIEGO stated that he pressed on the Grey Toyota's brakes, which caused the Victim to hit her head on the dashboard.

j. MAZARIEGO stated that, while the Grey Toyota was slowed, the Victim opened the front-passenger door and exited the moving vehicle.

9. WHEREFORE, deponent respectfully requests that ARMANDO MAZARIEGO, the defendant, be imprisoned or bailed, as the case may be.

/s/ Moises Hassell by JCM w/permission
MOISES HASSELL
Special Agent
FEDERAL BUREAU OF INVESTIGATION

Sworn to me through the transmission of this Complaint by reliable electronic means this 18th day of October, 2022.

Judith C. McCarthy

THE HONORABLE JUDITH C. McCARTHY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK